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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIMINI STREET, INC., a Nevada corporation,
 Plaintiff,

v.

ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,
 Defendants.

ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,
 Counterclaimants,

v.

RIMINI STREET, INC., a Nevada corporation;
 SETH RAVIN, an individual,
 Counterdefendants.

Case No. 2:14-cv-01699 LRH CWH

**ORACLE'S MOTION FOR LEAVE TO
 SUBMIT SUPPLEMENTAL BRIEF IN
 SUPPORT OF ORACLE'S MOTION
 TO MODIFY THE PROTECTIVE
 ORDER (ECF NO. 1223)**

Judge: Hon. Larry R. Hicks

FILED UNDER SEAL

Pursuant to LR 7-2(g), Oracle seeks leave to file the attached supplemental brief in support of Oracle’s motion to modify the protective order (ECF No. 1223, the “Motion”).

Oracle’s supplemental brief describes two developments that occurred after the parties completed their briefing on the Motion and that are relevant to the Motion. *See PROF-2013-S3 Legal Title Trust IV by U.S. Bank Nat’l Ass’n v. REO Inv. Advisors V LLC*, No. 17-CV-277-JCM-CWH, 2018 WL 6419292, at *3 (D. Nev. Dec. 6, 2018) (granting motion for leave to file supplemental brief pursuant to LR 7-2(g) because it “include[d] new evidence”); *Ra Se. Land Co. LLC v. First Am. Title Ins. Co.*, No. 14-CV-01621-MMD-NJK, 2016 WL 4591740, at *2 (D. Nev. Sept. 2, 2016) (granting motion for leave to file supplemental brief pursuant to LR 7-2(g) because it included newly identified testimony “which [the movant] believes will aid the Court in resolving” the relevant dispute).

First, during a hearing before Magistrate Judge Ferenbach on April 4, 2019 in *Rimini I*, concerning Oracle’s motion for discovery into Rimini’s injunction compliance in *Rimini I*, Rimini’s counsel argued that Oracle should not be permitted to conduct discovery in *Rimini I* in part because Oracle already has discovery from *Rimini II*. Rimini’s counsel repeatedly indicated – contrary to the position Rimini has taken on the Motion pending before Your Honor – that Oracle can use that *Rimini II* discovery in *Rimini I*. Oracle’s proposed supplemental brief includes the transcript from the hearing and quotes the relevant statements by Rimini’s counsel.

Second, despite those representations and arguments at the *Rimini I* hearing, Rimini has refused to withdraw its opposition to the Motion. Oracle’s proposed supplemental brief includes the letters containing Oracle’s request and Rimini’s responses.

Good cause exists to permit Oracle to submit the attached supplemental brief, which addresses developments subsequent to the parties’ briefing of the Motion that are relevant to the Motion and relief requested. Rimini’s repeated invocation of the *Rimini II* discovery at the *Rimini I* hearing – including its claim that Oracle can and should use *Rimini II* discovery in *Rimini I* – demonstrate the relevance of the *Rimini II* materials to the current injunction compliance proceedings in *Rimini I*, and thus why the Motion should be granted. Second, Rimini’s continued opposition to the Motion, particularly in light of its statements to the Court

1 on April 4, reflects improper and prejudicial gamesmanship. Rimini should not be permitted to
2 reference the *Rimini II* discovery while opposing discovery in *Rimini I* and at the same time
3 refuse to permit Oracle to use that discovery in *Rimini I*.

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5 DATED: April 24, 2019

BOIES SCHILLER FLEXNER LLP

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7 By: /s/ Richard J. Pocker

8 Richard J. Pocker
9 Attorneys for Defendants and Counterclaimants
Oracle America, Inc. and Oracle International
Corp.